

CANCELLED BY AUTHORITY RECORDED IN BOOK

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U. Z. CRAIGEN et al, Grantees
1756 Holly Springs Road
Hernando, Mississippi 38632
601-368-4425

Sherley Craigen, et al, Grantors
1756 Holly Springs Road
Hernando, Mississippi 38632
601-368-4425

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

SHERLEY CRAIGEN, ET AL,
Plaintiffs,

vs.

NO. 87-6-512

ANNIE P. CRAIGEN NEWBERRY, ET AL.,
Defendants.

FINAL DECREE PARTITING REAL PROPERTY IN KIND
AND AWARDING RELATED RELIEF

This cause came on to be heard by the Court on December 5, 1988, having been continued to this date for a final hearing by Interlocutory Decree. The matter previously came before the Court on February 18, 1988 on a petition filed by the plaintiffs, Sherley Craigen, et al, for partition of a certain tract of real property located in Desoto County, Mississippi more particularly described below. By the Interlocutory Decree the Court, inter alia, appointed a Special Commissioner to determine whether said property could be divided in kind and, if so, determine the most equitable manner for division and report his findings to the Court with a proposed division plan with supporting documents etc.

Prior to entry of the Interlocutory Decree, the Court found that three of the heirs to the subject estate, -- Sherley Craigen, U. Z. Craigen and James Craigen, had, without ill will or intent gain unfair advantage, established homes on the property by either improving existing structures or building new dwellings; that they had expended their own funds in doing so and, therefore, found that said property, if possible, should be divided in such a manner to convey to these parties their respective homes existing on the property and include same in their respective shares, with said parties to compensate the remaining heirs for the fair market value of the structures, if there was any value to same.

The Court continued the case with respect to all other matters, including the assessment of attorney fees, court costs,

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W. E. LAVIS, CLERK

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Amendment
Assignment of this Instrument Recorded in
Warranty Deed Book
No. 24 Page 623
This the 17th day of May 1989
by: W. E. Davis, Clerk

CANCELLED BY AUTHORITY RECORDED IN BOOK
271 PAGE 711
THIS 8th DAY OF June, 1994
W. E. Davis, CHANCERY CLERK
by: J. Stanley, Jr.

CANCELLED BY AUTHORITY RECORDED IN BOOK
715 PAGE 422
THIS 13th DAY OF July 1994
W. E. Davis, CHANCERY CLERK
by: M. Adams, Jr.

Commissioner and surveyor fees, division of the land and matters related thereto.

And the Court, having been advised in the premises, having considered the report of the Special Commissioner and objections of counsel and having heard proof in open court from parties called to testify by counsel, finds and adjudicates as follows:

I.

That the report of the Special Commissioner, Charles Taylor, appointed by the Court in this cause, a copy of which has been filed with the court, is hereby accepted and approved by the Court; that there are varying undivided interests held by the parties to the estate and said Commissioner's plan divides the property into nine separate tracts, with two tracts amounting to 14.94% each of the total value of the estate, four tracts each amounting to 10.61% of the total value and ~~three~~ tracts each amounting to 9.091% of the total value of the estate. A copy of the Commissioner's Plat with the names of heirs to whom various tracts are assigned designated thereon, is attached to this Decree for clarity and made a part hereof.

By agreement of all the parties, James Craigen, who earlier conveyed his interest to U.Z. Craigen, ^{which conveyance is not affected herein,} ~~is~~ hereby assigned Tract No. 3, subject to the parties' agreement to continue to allow James Craigen to live in the family home presently sitting on Tract No. 4 without compensation and to allow James Craigen and his heirs to remove said structure at anytime.

II.

The Commissioner's report did find that it was possible to award to Sherley Craigen and U.Z. Craigen the tracts upon which their homes sit and, therefore, said parties are hereby awarded the tracts designated as Tracts 1 and 2, respectively, together with the dwellings situated thereon. The report finds that the homes of Sherley Craigen and U.Z. Craigen were of no value beneficial to the estate and therefore the Court finds that the remaining heirs are not entitled to any compensation for same.

By agreement of the parties, Annie pearl Craigen Newberry is hereby assigned tract 4, subject to the rights vested in James Craigen as set out in paragraph 1 above. Due to assignment error by the Special Commissioner, there is no tract 6 to be assigned herein.

III.

The Court finds that there was no other equitable manner in which to assign the remaining tracts to the remaining heirs and, therefore, ordered that the parties draw lots in open court. Accordingly, said lots were so drawn in open court by the Commissioner under the supervision of the Court, with those remaining parties having a 10.61% interest drawing among themselves first, followed by the parties having interests amounting to 9.09%. The Court finds that as a result of the drawing among the parties having a 10.61% interest, Mattie Craigen drew Tract NO. 5 and Marshall Craigen drew Tract 7, and said parties are hereby assigned said tracts, respectively. Among the parties having interests amounting to 9.09%, the Court finds that Artnur Craigen, who had earlier beendeeded the entire interest in the estate of William Walker Craigen, deceased, by the remaining heirs of William Walker Craigen, drew Tract NO. 9; that the heirs of Mary Ferguson, who had agreed among themselves to accept their portion as a group, drew Tract No. 8, with the heirs of Queenester Harris, who also agreed to accept their portion as a group, drawing Tract 10. These parties are hereby assigned said tracts, respectively, with the heirs of Queenester Harris and Mary Ferguson holding their respective tracts among themselves as tenants in common.

IV.

The Court finds that the attorneys in this cause have rendered valuable services to the parties and, therefore, Lucius Edwards, is hereby awarded a fee of \$3,800.00 for his services and Ray Riley is hereby awarded a fee of \$700.00 for his services. The Court hereby awards to Charles Taylor, Special Commissioner in this cause, a fee of \$3,200.00 for his services and awards to Joe Frank Lauderdale, surveyor, a fee of \$850.00 for his services. The Court hereby assesses the above fees against the parties owning the tracts designated in the proportion to which each interest amounts to the total value of the estate and hereby awards a lien to the parties due fees against each tract until such time

that the fees due are paid, except for attorney fees due from Sherley Craigen, U.Z. Craigen, James Craigen and Arthur Craigen, who paid their amounts due as attorney fees prior to entry of this decree.

V.

The Court further finds that U.Z. Craigen has paid taxes on the entire estate for the benefit of all the parties and is due the amount of \$2,500.00, the amount verified, against all of the remaining tracts in proportion of their percentage of the estate. The Court also hereby awards to U.Z. Craigen a lien against all remaining interests until such taxes due from such interests are paid.

VI.

The Court hereby assesses all costs of this action, including all costs advanced by Sherley Craigen, against the parties in proportion to their interest in the estate.

VII.

The Clerk of this Court is hereby ordered to record a copy of this decree, together with the attached plat, in the land records of the Desoto County, Mississippi Chancery Clerk to indicate division among the parties of the Will Craigen estate described below:

160 acres, more or less, lying in the southeast Quarter of Section 17, Township 3, Range 7, and being the same property conveyed to Will Cragne from S.O. Boone by deed dated January 3, 1919, recorded in Deed Book 19 at page 108 in the office of the Desoto County, Mississippi Chancery Clerk.

SO ORDERED this the 2nd day of February, 1989.

J. E. Hanna
CHANCELLOR

AGREED AS TO FORM AND CONTENT:

James J. Edwards
ATTORNEY FOR PLAINTIFFS
J. Raymond Kelly
ATTORNEY FOR DEFENDANTS



